

# HOUSE BILL REPORT

## E2SSB 5244

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**As Reported by House Committee On:**  
Education  
Appropriations

**Title:** An act relating to school suspensions and expulsions.

**Brief Description:** Regarding school suspensions and expulsions.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Litzow, Dammeier, Ranker, Hobbs, Harper, Hatfield, Delvin, Tom, Hewitt, Schoesler, Smith and Mullet).

**Brief History:**

**Committee Activity:**

Education: 3/15/13, 3/26/13, 3/28/13 [DPA];  
Appropriations: 4/2/13, 4/8/13 [DP(w/oED amd)].

**Brief Summary of Engrossed Second Substitute Bill**

- Prohibits student suspensions or expulsions of indefinite length.
- Requires that student suspensions or expulsions not exceed one year unless given specific authorization by the Office of the Superintendent of Public Instruction (OSPI).
- Requires school districts to create an individually tailored reentry and reengagement plan for long-term suspended or expelled students.
- Requires student suspension and expulsion data be made publicly available on the OSPI's website and be disaggregated and cross-tabulated.
- Requires the Washington State School Directors' Association to develop a model policy for implementing changes to district suspension and expulsion policies.

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### HOUSE COMMITTEE ON EDUCATION

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Santos, Chair; Stonier, Vice Chair; Bergquist, Haigh, Hunt, Lytton, Maxwell, McCoy, Orwall, Pollet and Seaquist.

**Minority Report:** Do not pass. Signed by 9 members: Representatives Dahlquist, Ranking Minority Member; Magendanz, Assistant Ranking Minority Member; Fagan, Hargrove, Hawkins, Hayes, Klippert, Pike and Warnick.

**Staff:** Luke Wickham (786-7146).

**Background:**

Each school district board of directors is required to adopt written policies regarding student conduct and discipline. The Superintendent of Public Instruction (SPI) must adopt rules providing due process protections of students subject to disciplinary action.

Short-term suspensions may not exceed 10 days. Long-term suspensions last longer than 10 days. Expulsions may last for an indefinite period of time.

Individual student data on disciplinary actions is recorded in the statewide student information system (CEDARS), including disciplinary actions related to bullying, tobacco, alcohol, illicit drugs (other than marijuana), fighting without major injury, violence without major injury, violence with major injury, possession of a weapon, other behavior resulting in suspension or expulsion, serious bodily injury, and marijuana.

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**Summary of Amended Bill:**

The Office of the Superintendent of Public Instruction (OSPI) must convene a discipline task force to develop standard definitions for causes of student discipline and data collection standards for disciplinary actions that exclude a student from school. The OSPI and the K-12 Data Governance Group must revise the statewide student data system to incorporate the standards recommended by the discipline task force.

Suspensions or expulsions may not last for an indefinite period of time. Any suspension or expulsion for more than 10 days must have an end date no later than the end of the academic term in which the student exhibited behavior leading to the corrective action. School districts may petition the SPI for authorization to exceed the academic term limitation. The SPI is required to adopt rules outlining the circumstances when a district may petition to exceed the academic term limitation and those rules must assure that students receive educational services while serving a suspension or expulsion. The SPI may not authorize a petition to exceed the academic term limitation if the school district does not provide educational services during the suspension or expulsion. Emergency expulsions must end or be converted to another form of corrective action within 10 school days.

School districts may not suspend educational services as a disciplinary measure or impose a disciplinary action that results in the suspension of educational services. School districts

must provide an opportunity for students serving a disciplinary action to receive educational services in an alternative manner.

The requirement that principals must consider long-term suspension and expulsion for students that engage in two or more violations of certain laws is modified to indicate that principals may consider long-term suspension or expulsion in those situations. Dress code or grooming code violations are removed from the list of violations that principals should consider in imposing long-term suspension or expulsion for after two or more violations.

School districts are required to record student discipline using the statewide data system.

The Education Data Center must prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system and develop data-sharing and research agreements with the Administrative Office of the Courts to conduct research on educational and workforce outcomes of court-involved juveniles.

School districts should convene a school reenrollment meeting with the student and the student's family or guardians within 20 days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment. School districts must create a reenrollment and reengagement plan.

**Amended Bill Compared to Engrossed Second Substitute Bill:**

The data collection elements of the bill were replaced with the creation of a discipline task force that must develop standard definitions of student disciplinary actions and requires the OSPI and the K-12 Data Governance Group to revise the statewide data system to incorporate student discipline data collection standards recommended by the task force and begin collecting that data in the 2015-16 school year.

School districts may not suspend educational services to a student as a disciplinary measure or impose a disciplinary action that results in the suspension of educational services. School districts must provide an opportunity for a student to receive educational services in an alternative manner.

The one-year limitation for corrective actions is replaced with a requirement that corrective actions have an end date no later than the end of the academic term in which the student exhibited the behavior leading to a corrective action. The authority for the OSPI to grant exemptions beyond the academic term limitation is modified to require the OSPI to adopt rules outlining the limited circumstances in which it will grant exemptions and assuring that students receive educational services. The OSPI may not grant exemptions to the corrective action end date requirement unless school districts provided educational services during the suspension or expulsion.

The term "reentry" is replaced with the term "reenrollment" when referring to plans and meetings between students serving corrective action, parents or guardians, and school districts.

The requirement that the Washington State School Directors' Association develop a model policy for school districts to implement changes to suspension and expulsion policies is removed.

The requirement that principals must consider long-term suspension after students engage in certain behavior is modified to provide that principals may consider long-term suspensions in those circumstances. Dress and grooming code violations are removed from the list of laws which principals may consider imposing a long-term suspension for if a student violates two or more times in a three-year period.

The term parents is replaced with the term family or families as individuals that schools will involve to plan for student reenrollment with school programs.

The Education Data Center must prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system, using disaggregated data, and also develop data-sharing and research agreements with the Administrative Office of the Courts to conduct research on educational and workforce outcomes of the same youth.

School reenrollment meetings should occur no later than five days prior to a student's reenrollment.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available. New fiscal note requested on March 28, 2013.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill represents practical, low-cost solutions to problems related to school suspensions and expulsions. In addition to the strong bi-partisan support in the Senate, the components of this legislation have broad support from community groups and stakeholders ranging from juvenile justice professionals to medical professionals. It is important to update data collection systems. This bill strikes a balance between meaningful disciplinary actions and providing educational services. The reentry meetings and statewide consistency in the length of exclusion are important components of this bill that will increase the opportunity for students to graduate.

While this bill is a step forward, there is room for a few improvements. The data recorded based on school discipline should be improved. Educational services should be provided in an alternative manner. It is important to distinguish between suspension from the classroom and suspension from education. By taking these steps, the disproportionate representation of students of color in school disciplinary actions can be reduced. Transforming school discipline practices will help address the opportunity gap. By making public the disciplinary

data collected, capping the time students are excluded from the classroom, requiring meetings between the school and students, and creating a model disciplinary policy, students will be more engaged and on a path toward graduation. Student discipline data should be disaggregated.

Permanent suspension does not help a child. Having a plan that is discussed with the student and the family will help students successfully reenter the classroom and will need robust funding. There are tools built into this bill which do not limit the ability of schools to respond to student misbehavior. Children act out because they are not getting attention. Many students and parents do not feel welcome in schools based on school culture. The United States is the only developed country that has a jail for our children. In-school suspensions require more staffing and configuration. Some of the hardest-to-serve kids are capable of learning. Mentors are hired in some schools to address these situations. Mentors can have a major impact on children and help them to repair disrespectful behavior. Some of these students do not know how smart they are. By being provided in-school suspensions, students are kept engaged in school. Students who are removed from school are not learning and have more ability to engage in poor behavior.

(With concerns) There are some concerns about the numbers related to this bill. There are concerns related to emergency expulsion being converted to suspension or expulsion within 10 days. The data surrounding active school shooter situations indicates that 93 percent of active shooters were current students, 95 percent showed some planning, 93 percent were engaged in some prior behavior that had others concerned, and 75 percent had been bullied and threatened. Based on this data, it was determined that policy was needed to address threat assessment. A law enforcement investigation and threat assessment following a student engaging in criminal conduct takes about 14 days.

(Opposed) It is going to be difficult, especially in smaller districts, to continue some kind of educational service for students serving a suspension or expulsion. Many of these districts do not have the online resources or capacity to provide alternative educational services to serve these students. Looking at school discipline policy is important in terms of improving our schools. This population of at-risk youth is often overlooked. Student discipline generally goes hand in hand with academic non-performance. It is important to consider how educational services should be delivered to these students in a manner that works for every district. The work in this area should be slowed down so this can be done right. Students often act out to get out of school. This is the most difficult population to offer services to, and the most in need. The more research that is done in this area, the better this population can be served.

**Persons Testifying:** (In support) Senator Litzow, prime sponsor; Anne Lee and Jeannie Nist, TeamChild; Miguel Pérez-Gibson, Latino Progress Alliance and Colville Tribes; Elizabeth Richer, League of Education Voters; Lucinda Young, Education Association; Carol Solomon, Black Education Strategy Roundtable; and Sebrena Burr, Parent Teacher Student Association.

(With concerns) Gene Sementi, West Valley School District.

(Opposed) Mike Messenger, East Valley School District; and Kevin Chase, Grandview School District.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass without amendment by Committee on Education. Signed by 18 members: Representatives Hunter, Chair; Alexander, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Carlyle, Dahlquist, Dunshee, Fagan, Green, Haigh, Hunt, Jinkins, Kagi, Maxwell, Pedersen, Pettigrew, Seaquist, Springer and Sullivan.

**Minority Report:** Do not pass. Signed by 13 members: Representatives Ormsby, Vice Chair; Chandler, Assistant Ranking Minority Member; Buys, Cody, Haler, Harris, Hudgins, Morrell, Parker, Pike, Ross, Schmick and Taylor.

**Staff:** Jessica Harrell (786-7349).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:**

The Appropriations Committee recommended removal of all changes made in the previous committee and passage of the underlying engrossed second substitute Senate bill. The data requirements are revised and the K-12 Governance Group is required to examine the data collected and create at least four additional behavior infraction codes. Suspensions or expulsions are limited to one calendar year. The bill permits districts to provide educational services to suspended or expelled students. The bill creates a requirement for an individually tailored reentry and reenrollment plan.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) The Education Committee striker to the bill offers effective remedies to some of the most troubling aspects of the bill that passed out of the Senate. It includes cost-effective, common sense solutions, and allows for better data collection. Indefinite expulsions need to end and schools need to help students return to school after their exclusions. Last year nearly 800 students left due to disciplinary actions. Preventing kids from leaving school permanently would add \$14 million to Washington's economy and would reduce state costs by \$14,000 per child per year.

Current discipline policies disproportionately affect low-income students and increase their chances of dropping out. Suspensions and expulsions from school are a high indicator of students at risk. Over 50 percent of students that are expelled or suspended are, at some point, referred to TeamChild and are out of school. By reducing the length of the exclusions,

and ensuring students continue to receive educational services through an exclusion, kids are given a path to high school graduation and a better economic future.

The Tacoma School District began looking at the number of expulsions and suspensions in its schools and now has a data system that looks at building level suspensions. Using the data made available by that system has enabled the district to add cultural competency training for staff and reduce the number of suspensions significantly. The cost to implement this bill is very high. Tacoma School District has had to layoff a number of ancillary staff in order to meet current budget constraints. These layoffs have included ancillary staff, such as counselors, that would be needed to meet the requirements of the bill.

(With concerns) The requirements of this bill are both costly and time consuming. Additionally, the word "discretionary," as used in the bill, needs to be defined. Vancouver School District currently has alternative programs and works to place suspended/expelled students in those programs and also works to identify why the student is expelled or suspended. The actual costs to school districts are substantially higher than the cost indicated in the fiscal note. Additionally, the bill does not address what a district must do when a student refuses the educational services that the district is required to provide or what to do with students that are very violent and a danger to other students and/or staff.

(Opposed) Last year there were 12 kids that were suspended for various lengths of time in the school district. As a district administrator, the duty is to balance the education of the suspended student with the education and safety of all other students in the school. Having a student throw a chair across the room at another student means that student has got to go. Do not punish other students to be fair to a single student that is disruptive or unsafe. The exclusion tool is used sparingly and only when needed. One administrator had to expel two students in total. One threw something at a teacher and the other brought a weapon to school. Administrators work with families and students as far as the students are willing and the families permit it. Long-term suspension is not necessarily an effective tool, but sometimes it is the only alternative available. As an administrator, the data components of the bill are wonderful.

A school administrator is sympathetic to the underlying motivations of the changes made by this bill. However, they have grave concerns about the bill as drafted. The bill significantly shifts the rights of the group to the rights of the individual. Data suggests that exclusions, as a tool, are not being misused. A student does not get suspended or expelled unless the student should be out of the school. With respect to the data component of the bill, it would be helpful if the data was aligned with the current Office of Civil Rights reporting currently utilized by schools.

**Persons Testifying:** (In support) Katie Mosehauer, Washington Appleseed; Jeannie Nist, TeamChild; Elizabeth Richer, League of Education Voters; Ramona Hattendorf, Washington State PTA; and Lucinda Young, Washington Education Association.

(With concerns) Jerry Bender, Association of Washington School Principals; Karen Vialle, Tacoma Public Schools; Edri Geiger, Vancouver School Board; and Stephanie Etulain, Battle Ground School District.

(Opposed) Bill Keim, Educational School District 113; and Steve Holland, Raymond School District.

**Persons Signed In To Testify But Not Testifying:** None.